

SN. 10/049834

3 Park Plaza 20th Floor, Irvine, CA 92614 • p949 263-8400 • f949 263-8414



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FAX TELEPHONE NUMBER: (949) 263-8414

Date: 4/30/2008 11:45:44 AM

To: Examiner Yuen Phone: _____

Firm: _____

Facsimile Telephone Number: 15712734856

Total Number of Pages (Including Cover Sheet): 11

From: Sausedo, Maria Telephone Number: _____

Cam Number: 099380.0000010

Message:

Copy of
non-final
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2/5/04

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FACSIMILE COVER PAGE

Date April 30, 2008

To: Examiner Henry Yuen

Facsimile Telephone Number: 571-273-4856

Total Number of Pages (*Includes Cover Sheet*): 10

From: Robert L. Grabarek, Jr. Reg. No. 40,625 Phone: (949)263-8400 1343

CAM Number: 010816.50684US

User ID: 5942/mns

Application No.: 10/049,834

Dear Examiner Yuen,

Per your conversation with Mr. Grabarek of today, please find enclosed a copy of the Office Action of February 5, 2004.

Sincerely,
Maria Sausedo for
Bob Grabarek

Hard Copy to Follow: ☐ Yes ☒ No

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,834	02/19/2002	Wolfgang Scheibe	842FR/50684	2328
23911	7590	02/05/2004	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			BUI, THACH H	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 02/05/2004

6
OA Response Due: 5/5/04

(Signature)

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/049,834		Applicant(s) SCHEIBE ET AL.	
	Examiner Thach H Bui		Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on ____.

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-37 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☐ Claim(s) ____ is/are allowed.

6) ☒ Claim(s) 1-15, 17-19, 21-32 and 34-36 is/are rejected.

7) ☒ Claim(s) 16, 20, 33 and 37 is/are objected to.

8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. ____.

3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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DETAILED ACTION

1. The preliminary amendment filed February 19, 2002 has been received and entered.

Information Disclosure Statement

2. Applicant's prior art citation filed February 19, 2002 has been received, considered and placed of record.

Specification

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite because "wherein the closing movement, the overlength is taken up by the elastic deformation of the valve rod" renders the claim unclear. There is no clear recitation about the elastic deformation of the valve rod.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-15, 17-19, 21-32, 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Baumgartner et al. (U.S. Patent No. 6,161,813).

Baumgartner et al. teach a valve comprising a control valve (127) which is activated especially electromagnetically and, by means of a valve actuator, alternatively closes off or opens up an opening for the passages of a fluid (indicated as A) (see Fig. 3), which is assigned to a sealing surface (indicated as B) (see Fig. 3) and, by these means, controls the pressure in a control pressure space (indicated as C) (see Fig. 3), which is connected with the passage opening, the valve actuator, in addition to an actuator sealing surface, which acts together with the sealing surface of the opening for the passage of fluid, having an actuator stop surface, which is disposed at a distance from the actuator sealing surface (indicated as D) (see Fig. 3) and the stop surface of the actuator has an overlength. The stop surface of the actuator is significantly larger than the sealing surface (see Fig. 3). The valve actuator is formed with a one-part valve rod and it contains a valve body which touches the front face of the valve rod and contains the sealing surface of the actuator (25). The valve body is constructed as a sphere, which interacts with the opening for the passage of fluid, forming a seal (see Fig. 3). The sealing surface of the actuator (25) is the front face of the valve rod formed

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by the valve actuator. The valve actuator is essentially mushroom-shaped, the stem of the mushroom forming the valve rod and the stop surface of the actuator being an annular collar, concentrically surrounding the valve rod in the region of the mushroom cap (24) (see Fig. 3). The valve actuator is divided in a dividing joint into an actuator stop (near 24), having the stop surface of the actuator, and a valve rod, which is in operative connection with the sealing surface (B) and the stop of the actuator (25). The valve rod is guided axially movably in at least one guide bushing (139, 134) and is disposed at a small distance from the sealing surface of the actuator (see Fig. 3). The length of the valve rod is a multiple of its diameter (see Fig. 3) and the sealing surface is formed in the end face of a disk-shaped insert part (indicated as E) (see Fig. 3) and adjoins the control pressure space on the side averted from the sealing surface. The insert part (also forms a stop for the valve needle, H) is formed in two parts with a first part, which contains an opening for the passage fluid and a discharge choke (A, A') and a second part at the control pressure space side, with a bore hole (indicated as F) (see Fig. 3) which connects the control pressure space (C) with an opening for the passage of fluid. The second part contains an inlet choke (indicated as G) near the bore hole (F). The pressure space (C) is connected with an inlet choke and the rear end of the valve needle (H) (see fig. 3) averted from the nozzle needle seat surface (not shown), lies in the control pressure space (C).

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Allowable Subject Matter

6. Claims 16, 20, 33 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Studtmann et al., Ricco et al., Goossens, Nagashima et al. and Hironaka are cited of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

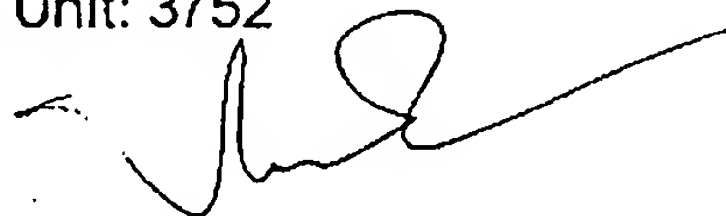
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Thach H. Bui
Patent Examiner
AU3752

Notice of References Cited	Application/Control No. 10/049,834	Applicant(s)/Patent Under Reexamination SCHEIBE ET AL.	
	Examiner Thach H Bui	Art Unit 3752	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5110087	05-1992	Studtmann et al.	251/129.16
	B	US-6619617	09-2003	Ricco et al.	251/129.16
	C	US-5401087	03-1995	Goossens	251/129.18
	D	US-5460350	10-1995	Nagashima et al.	251/129.16
	E	US-5601275	02-1997	Hironaka	251/129.16
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

10/049854
 IC13 Rec'd PCT/PTO 19 FEB 2002
 Sheet 1 of 1

FORM PTO-1449 U.S. Department of Commerce Patent & Trademark Office INFORMATION DISCLOSURE STATEMENT <i>(Use several sheets if necessary)</i>	Attorney Docket No. 842FR/50684	Serial No. TO BE ASSIGNED
	Applicant: SCHEIBE et al.	
	Filing Date February 19, 2002	Group

U.S. PATENT DOCUMENTS								
Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date (if appropriate)	
3	AA	6161813	12/2000	Baumgartner et al.				
	AB	5832899	11/1998	Soteriou				
7	AC	5542610	08/1996	Augustin				
	AD							
	AE							
	AF							
	AG							
	AH							
	AI							
	AJ							
FOREIGN PATENT DOCUMENTS								
Examiner Initial		Document Number	Date	Name	Class	Sub-Class	TRANSLATION	
							Yes	No
3	AK	19708104	09/1998	Germany			Equivalent of U.S. 6,161,813	
	AL	0844385	05/1998	Europe				
	AM	0753658	01/1997	Europe				
	AN	0645535	03/1995	Europe				
	AO	0531533	03/1997	Europe				
7	AP							
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)								
3	AQ	International Search Report						
	AR							
	AS							
EXAMINER				DATE CONSIDERED 1/29/04				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.								